

Assembly Bill No. 2099

Passed the Assembly August 27, 2014

Chief Clerk of the Assembly

Passed the Senate August 26, 2014

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2014, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Chapter 12.5 (commencing with Section 67100) to Part 40 of Division 5 of Title 3 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2099, Frazier. Postsecondary education: Title 38 awards.

Title 38 of the United States Code provides educational awards for eligible active duty members and veterans of the Armed Forces of the United States. Existing law requires an institution headquartered or operating in California desiring to enroll students eligible for federal Title 38 awards in accredited institutions and programs to make application for approval of these courses to the California State Approving Agency for Veterans Education, commonly known as CSAAVE, and authorizes CSAAVE to approve the application of the school when the school and its accredited courses satisfy the specified criteria and any additional reasonable criteria established by CSAAVE.

Unless an exception applies, this bill would deem a public or private postsecondary educational institution that is accredited by an accrediting agency recognized by the United States Department of Education eligible for Title 38 awards if the institution satisfies specified criteria for qualification for Title 38 awards in the bill. The bill would, if another specified bill is enacted, deem an institution that may claim a specified exemption from the requirements of the California Private Postsecondary Education Act of 2009 eligible for Title 38 awards if the institution satisfies other criteria for qualification for Title 38 awards in this bill. The bill would deem a private postsecondary educational institution eligible for Title 38 awards if the institution is issued an approval to operate from the Bureau for Private Postsecondary Education, as specified, and satisfies the other criteria for qualification for Title 38 awards in the bill.

The bill would require CSAAVE to notify initial Title 38 recipients seeking to attend, or attending, an institution that is ineligible for Title 38 awards that the institution is ineligible for Title 38 awards for the academic year, and to provide initial and

renewal Title 38 recipients at an ineligible institution with a complete list of all California postsecondary educational institutions at which the student would be eligible to receive a Title 38 award.

The people of the State of California do enact as follows:

SECTION 1. Chapter 12.5 (commencing with Section 67100) is added to Part 40 of Division 5 of Title 3 of the Education Code, to read:

CHAPTER 12.5. TITLE 38 AWARDS

67100. The Legislature finds and declares the following:

(a) Section 21.4253 of Title 38 of the Code of Federal Regulations requires a postsecondary educational institution headquartered or operating in California desiring to enroll veterans or persons eligible for Title 38 awards in accredited institutions and programs to make application for approval of these courses to the California State Approving Agency for Veterans Education, commonly known as CSAAVE, as the state approving agency legally designated pursuant to Section 3671 of Subchapter I of Chapter 36 of Title 38 of the United States Code.

(b) Section 21.4253 authorizes CSAAVE to approve the application of the accredited institutions when the school and its accredited courses satisfy the criteria provided in Section 21.4253 and additional reasonable criteria established by CSAAVE.

(c) It is reasonable pursuant to Section 21.4253 for CSAAVE to require a postsecondary educational institution, public or private, to obtain accreditation for its degree programs, to comply with all federal and state laws and regulations, and to comply with any additional reasonable criteria established by CSAAVE. It is reasonable pursuant to Section 21.4253 for CSAAVE to require a private postsecondary institution to be issued an approval to operate from the Bureau for Private Postsecondary Education.

67101. The Title 38 Funding Program is hereby established, under the administration of the California State Approving Agency for Veterans Education. The California State Approving Agency for Veterans Education shall approve qualifying institutions desiring to enroll veterans or persons eligible for Title 38 awards

in accordance with federal law, this chapter, and other reasonable criteria established by the California State Approving Agency for Veterans Education.

67102. As used in this chapter, the following terms have the following meanings:

(a) An “academic year” is July 1 to June 30, inclusive. The starting date of a session shall determine the academic year in which it is included.

(b) “CSAAVE” is the California State Approving Agency for Veterans Education.

(c) (1) “Qualifying institution” means a degree-granting institution that complies with paragraphs (2), (3), and (4), or a nondegree-granting institution that complies with paragraphs (2) and (4).

(2) (A) The institution shall provide information on where to access California license examination passage rates for the most recent available year from graduates of its undergraduate programs leading to employment for which passage of a California licensing examination is required, if that data is electronically available through the Internet Web site of a California licensing or regulatory agency. For purposes of this paragraph, “provide” may exclusively include placement of an Internet Web site address labeled as an access point for the data on the passage rates of recent program graduates on the Internet Web site where enrollment information is also located, on an Internet Web site that provides centralized admissions information for postsecondary educational systems with multiple campuses, or on applications for enrollment or other program information distributed to prospective students.

(B) The institution shall be responsible for certifying to CSAAVE compliance with the requirements of subparagraph (A).

(3) (A) A degree-granting institution shall provide evidence of accreditation of the institution and of all degree programs to CSAAVE. The accrediting agency shall be recognized by the United States Department of Education. An unaccredited degree-granting institution participating in the Title 38 award program on January 1, 2015, shall satisfy both of the following to remain eligible to receive Title 38 awards:

(i) The institution shall obtain and provide evidence to CSAAVE of its candidacy or preaccreditation status, with an accrediting agency recognized by the United States Department of Education,

by January 1, 2016, for the institution to be eligible for Title 38 awards for the academic year of 2015–16, or 2016–17, or both.

(ii) The institution shall obtain and provide evidence to CSAAVE of accreditation from the accrediting agency with which it had candidacy or preaccreditation status by January 1, 2017, for the institution to be eligible for Title 38 awards for the academic year of 2017–18, and each academic year thereafter.

(B) If an unaccredited degree-granting institution participating in the Title 38 award program fails to satisfy the accreditation requirements provided in clause (i) of subparagraph (A), a veteran enrolled in a degree program offered by the institution prior to January 1, 2016, shall remain eligible for Title 38 awards through his or her completion of that degree program. If an unaccredited degree-granting institution participating in the Title 38 award program fails to satisfy the accreditation requirements provided in clause (ii) of subparagraph (A), a veteran enrolled in a degree program offered by the institution prior to January 1, 2017, shall remain eligible for Title 38 awards through his or her completion of that degree program.

(C) An unaccredited degree-granting institution that does not satisfy the accreditation requirements provided in clause (i) of subparagraph (A), shall not enroll any new Title 38 eligible students to any of its degree programs after January 1, 2016. An unaccredited degree granting institution that does not satisfy the accreditation requirements provided in clause (ii) of subparagraph (A), shall not enroll any new Title 38 students to any of its degree programs after January 1, 2017, without first providing these prospective students with the following written disclosure:

“If you choose to attend this institution, you will not be eligible to receive a Title 38 award because this institution did not satisfy one or more of the accreditation requirements to receive Title 38 awards.”

(4) The institution shall be one of the following to be eligible for Title 38 awards:

(A) A campus of the California Community Colleges, the California State University, or the University of California.

(B) An independent institution of higher education, as defined in subdivision (b) of Section 66010.

(C) (i) For purposes of the 2015–16 award year, a private postsecondary educational institution, as defined in Section 94858.

(ii) For purposes of the 2016–17 award year, and every award year thereafter, a private postsecondary educational institution, as defined in Section 94858, that has an approval to operate from the Bureau for Private Postsecondary Education, is subject to the regulatory oversight and enforcement of student protections provided by the bureau, and has its approval to operate certified by CSAAVE.

(D) (i) An institution described in subdivision (i) of Section 94874 that satisfies all of the requirements provided in Section 94947.

(ii) This subparagraph shall become operative only if Senate Bill 1247 of the 2013–14 Regular Session is enacted and adds Section 94947 to this code.

67103. CSAAVE shall do all of the following:

(a) Notify initial Title 38 recipients seeking to attend, or attending, an institution that is ineligible for Title 38 awards under this chapter that the institution is ineligible for Title 38 awards for the academic year for which the student received a Title 38 award.

(b) Provide initial and renewal Title 38 recipients seeking to attend, or attending, an institution that is ineligible for Title 38 awards at the institution under this chapter with a complete list of all California postsecondary educational institutions at which the student would be eligible to receive a Title 38 award.

(c) Commencing for purposes of the 2016–17 award year, and every award year thereafter, certify whether a private postsecondary educational institution has been issued an approval to operate from the Bureau for Private Postsecondary Education.

67104. Compliance with this chapter, in and of itself, shall not be construed as satisfying the requirements for participation in programs authorized by the federal Higher Education Act, including, but not limited to, Section 600.9 of Title 34 of the Code of Federal Regulations.

Approved _____, 2014

Governor